



# MISSOURI DEPARTMENT OF MENTAL HEALTH

KEITH SCHAFER, DEPARTMENT DIRECTOR



DEPARTMENT  
OPERATING  
REGULATION  
NUMBER

DOR  
6.015

CHAPTER Human Resources	SUBCHAPTER Employee Rights and Procedures	EFFECTIVE DATE 6/22/15	NUMBER OF PAGES 2	PAGE NUMBER 1 of 2
SUBJECT Employee Disclosure of Unlawful Acts of Mismanagement		AUTHORITY Section 630.050, 105.555, RSMo	HISTORY See Below	
PERSON RESPONSIBLE Deputy Director, Administration			SUNSET DATE 7/1/18	

**PURPOSE:** Confirms the employee's right to communicate with legislators and state auditor concerning certain alleged illegal violations or mismanagement.

**APPLICATION:** Applies to all employees of the department.

(1) As used in this DOR, "Disciplinary Action" shall mean any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal, or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.

(2) No supervisor or appointing authority shall prohibit any employee of the department from discussing the operations of the agency, either specifically or generally, with any member of the legislature or the staff of state auditor.

(3) No supervisor or appointing authority shall:

(A) Prohibit an employee from (or take any disciplinary action whatsoever against a state employee for) the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

1. a violation of any law, rule or regulation;
2. mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law;

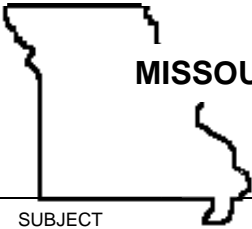
(B) Require any employee to give notice prior to making such report.

(4) This DOR shall not be construed as:

(A) Prohibiting the supervisor or appointing authority from requiring employees to notify the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the employee to legislators on behalf of the agency.

(B) Permitting an employee to leave the assigned work area without following the normal rules unless reasonable notice is given that the employee is requested by a legislator or legislative committee to appear before a legislative committee.

(C) Authorizing an employee to represent personal opinion as the opinion of a state agency.



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**(D) Restricting or precluding disciplinary action taken against a state employee if:**

1. the employee knows the disclosure to be false or which the employee discloses with reckless disregard for its truth or falsity;
2. the information is closed or is confidential under the provisions of the open meetings law or any other law;
3. the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

**(5) Classified employees may appeal disciplinary action alleged to be in violation of Section 105.055, RSMo, to the Administrative Hearing Commission.**

**(A) If a violation is substantiated, the commission may recommend to the appointing authority:**

1. that the violator be suspended without pay for no more than thirty (30) days;
2. in cases of willful or repeated violations, that the violator forfeit employment and be disqualified from employment for a period not to exceed two years.

**(6) Each facility shall furnish on-line access to or have posted a copy of Section 105.055, RSMo, on the official facility employee information center and other bulletin boards used for employer policies.**

**(7) Failure to comply or assure compliance with the provisions of the Department Operating Regulation may be cause for disciplinary action up to and including dismissal.**

**(8) The Director of Human Resources will review and analyze any statutory, regulatory, or policy changes as they occur to determine their effect on the provision of this Department Operating Regulation and will make changes as necessary.**

***History: Original DOR effective November 1, 1992. Amendment effective July 1, 2002. Amendment effective August 15, 2002. On July 1, 2006 the sunset date was extended to July 1, 2009. On July 1, 2009, the sunset date was extended to July 1, 2012. On June 12, 2012, the sunset date was extended to July 1, 2015. Amendment effective June 22, 2015.***